

ZB# 02-59

Peter Kronner

14-2-3.1

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

APPROVED

6/23/03

ZBA #02-59 PETER KRONNER
(USE) PLYMPTON HOUSE (14-2-3.1)

SEORA?

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

FILE # 02-59 TYPE: AREA _____ USE ☒

APPLICANT: Plympton House
10 Plympton Street
New Windsor, N.Y.

TELE: _____

RESIDENTIAL: \$ 50.00 CHECK # _____
COMMERCIAL: \$150.00 CHECK # 5862 (Jaconic)
INTERPRETATION: \$150.00 CHECK # _____

ESCROW: \$500.00 CHECK # 5861 (Jaconic)

DISBURSEMENTS:

	MINUTES \$4.50 PER PAGE	ATTORNEY FEES \$35.00 / MEETING
PRELIM..... <u>10/28/02</u> <u>\$④</u>	<u>18.00</u>	\$ <u>35.00</u>
2 ND PRELIM.....	_____	_____
3 RD PRELIM.....	_____	_____
PUB HEARING..... <u>6/23/03</u> <u>⑪</u>	<u>49.50</u>	<u>35.00</u>
PUB HEARING (CON'T)...	_____	_____
TOTAL	\$ <u>67.50</u>	\$ <u>70.00</u>

OTHER CHARGES:..... \$ _____

• • • • •

ESCROW POSTED: \$ 500.00
AMOUNT DUE: \$ _____
REFUND DUE: \$ 362.50

8/11/03
L.R.

RESIDENTIAL:	\$ 50.00	CHECK #
COMMERCIAL:	<u>\$150.00</u>	CHECK # <u>5862 (Jaconic)</u>
INTERPRETATION:	\$150.00	CHECK #
ESCROW:	<u>\$500.00</u>	CHECK # <u>5861 (Jaconic)</u>

DISBURSEMENTS:

	MINUTES \$4.50 PER PAGE	ATTORNEY FEES \$35.00 / MEETING
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TOTAL	\$ <u>67.50</u>	\$ <u>70.00</u>

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• • • • •

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AMOUNT DUE:	\$ _____
REFUND DUE:	\$ <u>362.50</u>

8/11/03
L.R.

P. H.

6/23/03

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 02-23

APPLICANT: PLYMPTON HOUSE SITE PLAN
% PETER KRONNER

PLYMPTON SECORP
10 PLYMPTON ST

NEW WINDSOR NY 12553

DATE: 2 OCT 02

1 ZBA 10-28-02
SET UP FOR P/H

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 23 AUG 02

FOR (~~SUBDIVISION~~ - SITE PLAN)

LOCATED AT 10 PLYMPTON ST

ZONE _____

DESCRIPTION OF EXISTING SITE: SEC: 14 BLOCK: 2 LOT: 3.1

IS DISAPPROVED ON THE FOLLOWING GROUNDS: _____

USE VARIANCE R/D

FOR PROPOSED CATERING USE

MARK J. EDGALL PE Fd.
MICHAEL BABCOCK,
BUILDING INSPECTOR

REQUIREMENTSPROPOSED OR
AVAILABLEVARIANCE
REQUESTZONE PI USE _____

MIN. LOT AREA _____

MIN. LOT WIDTH _____

REQ'D FRONT YD _____

REQ'D SIDE YD. _____

REQ'D TOTAL SIDE YD. _____

REQ'D REAR YD. _____

REQ'D FRONTAGE _____

MAX. BLDG. HT. _____

FLOOR AREA RATIO _____

MIN. LIVABLE AREA _____

DEV. COVERAGE _____ %

O/S PARKING SPACES _____

USE
VARIANCE

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
MAY 19 2003 (914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

02-59

POSSIBLE Z.B.A. REFERRALS

PLYMPTON HOUSE (02-23)

MR. PETRO: OK – Possible ZBA referrals is the Plympton House, 10 Plympton Street represented by Mr. Brown. The application proposes the use of existing facilities and site for a catering operation. The plan is reviewed on a concept basis only. The property is located in a PI Zoning District. Catering is not a use by right in the zone. As such it is preferred that this board refers this application to the Zoning Board of Appeals for necessary action. Mark's note here says, "It may be beneficial that the Board discusses in the record the history of the non-successful applications that have been before this board for this property. As well, a general planning opinion of the site for the proposed use would be helpful."

We have had quite a few people come in on this site for a number of different applications, one was a school I believe, one was a funeral parlor and nothing ever came of it but, I think that that is not necessarily from a planning aspect as it may be from a business aspect as the whole property. So, it may not affect you, I am just giving you my opinion. Why don't you just give us... again we are going to send you to the Zoning Board... but it would be a good idea if you at least tell us what you are doing briefly anyway.

MR. BROWN: We will use the existing building..... inaudible....

MR. PETRO: Mark, this is going for a use variance?

MR. EDSALL: Yes, that is why I thought it was important that the Zoning Board understand that this has been before the Board on several occasions for other uses and that it appears that there is difficulties developing the other uses here successfully. That is one of the criteria for considering a use variance. I thought it was worthwhile to have that on record and, again secondly, if the Board believes there is any planning concerns, it might be worthwhile to discuss it now, if not, we can send them over.

MR. PETRO: You're using the existing building, correct? I don't see any additions or changes to the main structure. So, basically, it is just the use of the interior structure and the parking layout. Mark, you must have gone over the parking layout.

MR. EDSALL: Yes, well I'm deferring the detailed review until they are done with the ZBA.

MR. PETRO: Well, I think it has been empty a long time there, I think it would be nice to have a nice use there and again, I'll say it again and repeat myself, "I don't necessarily think that it was all planning issues that kept that building from being occupied in the past. I think it had something to do with the applicants. So, I think if you had the right person there and develop it properly I think it would be a good spot and I think the Board should give a Positive Recommendation to the Town of New Windsor Zoning Board. That is my opinion if anyone wants to ...

MR. ARGENIO: Is that the building as you go down the hill on Walsh's Road it's on your left side and looks like a big old home. I think I'm familiar with it now.

MR. PETRO: It would just be nice to have something nice there. OK - do we have a motion for final approval.

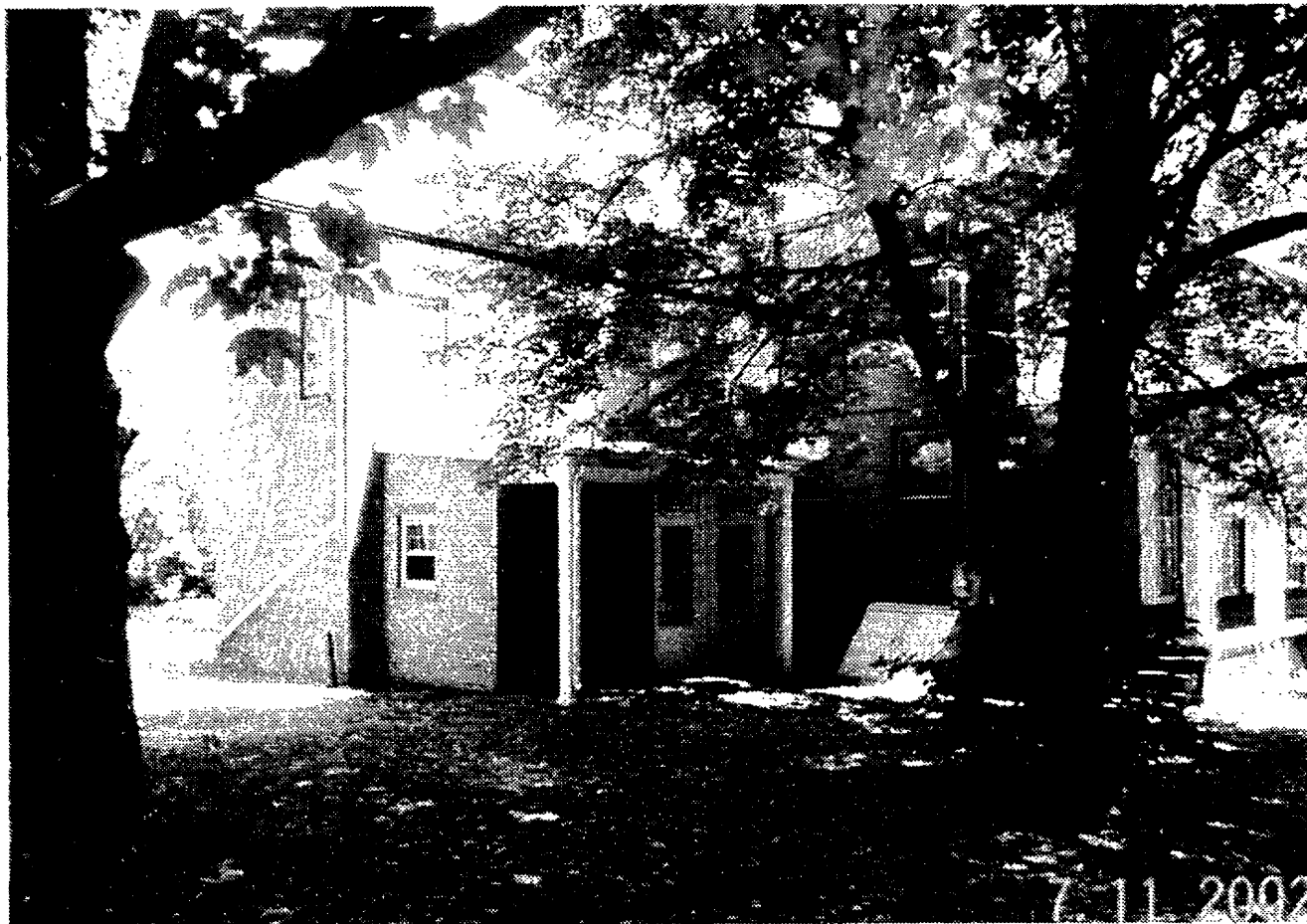
MR. LANDER: So moved.

MR. KARNAVEZOS: Seconded

ROLL CALL:

Mr. ARGENIO	NO
MR. BRESNAN	NO
MR. KARNAVEZOS	NO
MR. LANDER	NO
MR. PETRO	NO

MR. PETRO: At this time, you have been referred to the Town of New Windsor Zoning Board for your necessary variances or variance. If you are successful and receive that variance and wish to return to this board once again, you have the right to do so. We will see you then. Then again, I think we are sending the applicant with a positive recommendation, does anybody disagree with that? OK.







7-11-2002



7-11-2002

-----X
In the Matter of the Application of
PLYMPTON HOUSE (PETER KRONNER)

**MEMORANDUM OF
DECISION GRANTING**

USE

CASE #02-59
-----X

WHEREAS, Peter Kronner, owners of 10 Plympton Street, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Use Variance for proposed catering use a PI Zone; and

WHEREAS, a public hearing was held on the 23 June 2003 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Charles Brown representative for the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a commercial property located in a mixed neighborhood of commercial and residential properties.
 - (b) The property was formerly the corporate headquarters of an adjacent business, American Felt & Filter.
 - (c) The SEQRA review conducted by the Board was for the purposes of this application only.

- (d) The applicants acknowledged that, if they are successful in obtaining the sought Use Variance, they will still have to obtain Site Plan Approval from the New Windsor Planning Board before construction.
- (e) The Board declared a Negative Declaration for SEQRA purposes.
- (f) The property is located in a PI Zone, but, it is closely adjacent to an NC Zone.
- (g) The applicant seeks to use this property as a catering premises, however, there will be no food preparation on-site. The food will be prepared off-site and transported to this facility.
- (h) The applicants propose no changes to the existing structure. The hours of operation will be established by the Planning Board in connection with the site plan approval.
- (i) The structure has been vacant for in excess of 18 months. A number of ventures have been proposed, none of these ventures a permitted use in that zone, but, all proposed ventures have failed or not been instituted.
- (j) The building has been partially utilized over the last 15 years, but, it has never been fully utilized and now has no utility at all.
- (k) No additional signage or parking is sought by the applicant.
- (l) This use, if permitted, will not impact upon the uses of other properties in the neighborhood.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variance requested is substantial in relation to the Town regulations but nevertheless are warranted.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.
6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested Use Variance.

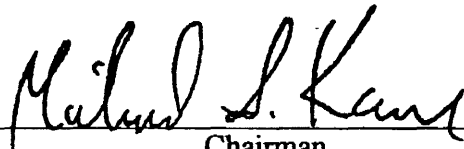
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Use Variance as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: August 18, 2003


Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

OFFICE OF THE ZONING BOARD OF APPEALS

September 11, 2003

Plympton House (Peter Kronner)
10 Plympton Street
New Windsor, NY 12553


SUBJECT: REQUEST FOR VARIANCE #02-59

Dear Mr. Kronner:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,


Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: AUGUST 11, 2003
SUBJECT: ESCROW REFUND - 02-59

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 362.50 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #02-59

NAME: TACONIC DESIGN

ADDRESS: 1 GARDNERTOWN ROAD

NEWBURGH, NY 12550

THANK YOU,

MYRA

RESULTS OF Z.B.A. MEETING OF: June 23, 2003

PROJECT: Peter Kronner (Plympton House) ZBA # 02-59
P.B.#

USE VARIANCE: NEED: EAF ☒ PROXY ☒

LEAD AGENCY: M) S) VOTE: A N
RIVERA
MCDONALD CARRIED: Y N
REIS
KANE
TORLEY

NEGATIVE DEC: M) K S) M VOTE: A 5 N 0
RIVERA A
MCDONALD A CARRIED: Y ☒ N
REIS A
KANE A
TORLEY A

PUBLIC HEARING: M) S) VOTE: A N
RIVERA
MCDONALD CARRIED: Y N
REIS
KANE
TORLEY

APPROVED: M) M S) R VOTE: A 5 N 0
RIVERA A
MCDONALD A CARRIED: Y ☒ N
REIS A
KANE A
TORLEY A

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) S) VOTE: A N
RIVERA
MCDONALD
REIS CARRIED: Y N
KANE
TORLEY

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M) S) VOTE: A N .

RIVERA
MC DONALD CARRIED: Y N .
REIS
KANE
TORLEY

hours of operation - 7 days/week
Building has been essentially unoccupied for 10-15 years

PLYMPTON HOUSE (PETER KRONNER) (#02-59)

MR. TORLEY: Request for use variance for proposed catering use at 10 Plympton Street in a PI zone.

Mr. Charles Brown appeared before the board for this proposal.

MR. KRIEGER: Is there a short form environmental assessment form on file with this?

MS. MASON: Yes, there is.

MR. KRIEGER: For the board, it will be necessary to satisfy the SEQRA requirement that you first vote to limit the SEQRA review to this application only and then assuming that that vote is a positive vote, you have to decide whether to declare a positive or negative dec after you have satisfied yourselves on the environmental review.

MR. TORLEY: Do I hear a motion to that effect?

MR. KANE: So moved, Mr. Chairman.

MR. RIVERA: Second it.

ROLL CALL

MR. REIS	AYE
MR. MC DONALD	AYE
MR. KANE	AYE
MR. RIVERA	AYE
MR. TORLEY	AYE

MR. TORLEY: Do I hear a motion regarding whether there's a positive or negative declaration?

MR. KRIEGER: Why don't you wait until you have the public hearing and vote the negative dec, positive dec or negative dec right before the final vote so that you can gather information if there is any.

MR. TORLEY: You're correct, my apologies. Okay.

MR. BROWN: I'm Charles Brown and I'm representing Peter Kronner who's here tonight who owns a restaurant, he and Peter Bataglia, who owns a restaurant in Cornwall. The proposal is for the Plympton House which is 10 Plympton Street in New Windsor to use it as a catering facility. The permitted zoning right now doesn't allow that. The zoning now is industrial which is manufacturing, storage, similar types of things. Roughly 150 feet away, the zone changes to the NC zone which does permit catering but that doesn't help my client at all. The proposal is to use the existing building to have functions where they'd be bringing in food which is made at either of one or the two restaurants for gatherings and weddings and things of that nature. This building is an existing building, it's had several uses over the years, all of which have failed. My client has talked to the Town officials and purchased the property and got some direction from the planning board, planning board said that they thought this was a good use, they referred us here because it isn't permitted. There will be no changes to the existing structure, most of the parking area's already there either in pavement or gravel area so there will be very minimal environmental impacts and as far as the zoning in the area, majority of the area is between the house, the Plympton House and the Route 9W residences which are not permitted in that zone, down below the Plympton House is American Filter and Fabric. If there's any questions from the board or the public, I'll take those.

MR. REIS: Being that's a change of use, which I personally think is a lesser impact on the community, as a positive situation your hours of operation are typical catering evenings and weekends?

MR. BROWN: Hours of operation you want to answer that, Peter?

MR. BATAGLIA: Seven days a week.

MR. BROWN: We would of course abide by any of the noise ordinances in effect of the Town. It would be intermittent and this is not something that's going to be operating every night, but we also have to go before

the planning board for planning board approval. So at that time, with site plan approval, they would establish hours of operation and if this board felt that they needed to do it now--

MR. TORLEY: I believe this structure had a previous use variance approved for it, did it not, back when it was a funeral home?

MR. REIS: This was an office building.

MR. BROWN: This was never a funeral home.

MR. KRIEGER: It was at one time proposed to be a funeral home but I don't think that application carried through.

MR. BABCOCK: It was set up for a public hearing for the funeral home but I don't see any formal decision. It was also set up for a public hearing for a daycare center, appears to be Little Harvard, and I think there was another daycare, Wind in the Willows was looking at that so it's been, several people have--

MR. KRIEGER: Wasn't there an antique dealer looking at it as well?

MR. BABCOCK: Possibly, I don't know, there's been quite a few.

MR. TORLEY: So it would appear then that the use, the successful use of this building or property for permitted uses in the area has not been exactly fruitful?

MR. BROWN: No, not at all.

MR. KRIEGER: The building is vacant now, right?

MR. BROWN: Right.

MR. KANE: To get to the meat of the matter, unlike area variances, use variances have strict requirements from the state, and I think it would probably be a good idea to address the reasonable return that why it can't

be used for a regular use that that area permits.

MR. BROWN: Again, based upon what just has been brought out here, the public record pretty much supports that, that there's been many uses attempted and none have been successful.

MR. REIS: Your client owns the building at this point?

MR. BROWN: Yes.

MR. TORLEY: There's four criteria we have to meet for a use variance, first off, this property cannot be used for any reasonable return or can't be a reasonable return for any permitted use in the zone. Two, that this is not a self-created hardship, Andy, make sure I do this correctly, the hardship of the property is unique and this will not alter the essential character of the neighborhood, given in that particular area of Walsh Avenue everything in there is unique it seems.

MR. KANE: I agree. And the essential character of the neighborhood is pretty much anything you want I think at this point.

MR. KRIEGER: It's mixed.

MR. KANE: And while I think we can get by, you know, the self-created portion because nobody else has been able to make anything work, I think that we need to at least meet the requirement of what the state says that we need to know in dollars and cents that there has been an attempt to sell this particular property as a return which doesn't make mean make a profit, just get a return for a required use and I think you need to address that in little, a little more depth for us.

MR. TORLEY: I think the fact that our attorney pointed out the fact that the building has been empty, how long has it been empty?

MR. BROWN: A year and a half now, two years.

MR. TORLEY: Sir, how long has the building been empty?

MR. BATAGLIA: I purchased it in August when they had the accounting office in there.

MR. TORLEY: So there's a small accounting office?

MR. BATAGLIA: Correct and she's moved out of there, yeah, she only had one room downstairs.

MR. KANE: So she's unable to rent out the rest of the building or anything along those lines?

MR. BATAGLIA: Yes.

MR. KANE: Do you have any idea how long that kind of condition existed?

MR. BATAGLIA: I think two years she told me.

MR. KANE: Before that, do you know the use of the building?

MR. BATAGLIA: I think it was American Felt and Filter's office building if I'm not mistaken.

MR. BABCOCK: They've been working on this, I can tell you back, I'm going back to 1990, I don't think this building has been occupied fully occupied for a long, long time.

MR. KANE: I agree, I just want to get everything we can get on the record.

MR. BROWN: Again, when we were before the planning board, they pretty much laid that all out so--

MR. KANE: Again, by law, for New York State, we need to get it on the record with the ZBA.

MR. BROWN: I was under the impression that they had forwarded that information to the zoning board.

MR. TORLEY: To summarize the state as we understand the state of the building is essentially underutilized and vacant and has been there for at least 15 years despite numerous other attempts to market it for uses

permitted in the zone?

MR. BROWN: Correct.

MR. TORLEY: And there have been several partial approaches through the zoning board and they failed?

MR. BROWN: Correct.

MR. TORLEY: I'd like to open this up to the members of the public. Is there anyone in the audience who wishes to speak on this, anyone in the audience wishing to speak on this application? Seeing none, I'll close the public hearing section and ask for a reading of the letters.

MS. MASON: On the second day of June, I mailed out 48 addressed envelopes containing the notice of public hearing and I had no responses.

MR. TORLEY: Bring it back to the members of the board, again, I think the record demonstrates that this building has not been able to be marketed for any suitable uses in the, permitted uses in the zone.

MR. REIS: Mr. Chairman, may I expand on that?

MR. TORLEY: Please.

MR. REIS: The prior owners asked us to help them and assist them in getting tenants for the building and we worked with them for several months unsuccessfully, just for the record.

MR. KANE: Your plan is to use the existing building as is?

MR. BROWN: Correct.

MR. KANE: And the existing parking you'll need no variances for the parking as is?

MR. BROWN: No, no variances.

MR. KANE: Signage is the same?

MR. BROWN: Yes, the signage there will be maintained as is as shown on the drawing.

MR. TORLEY: That doesn't mean the sign meets the code.

MR. BROWN: It does, I checked, the sign meets the code.

MR. TORLEY: So, in order for that project to proceed, the only variances requested or required will be the use variance for this intentional use as a catering hall?

MR. BROWN: That's correct.

MR. TORLEY: And you're acknowledging that any such use variance granted would not relieve you from any other requirements of the Town noise ordinances?

MR. BROWN: Understood.

MR. KRIEGER: Same plan reviewed by the planning board?

MR. BROWN: Yes, we have already initiated that application.

MR. KRIEGER: It will have to be completed should the variance be granted here.

MR. RIVERA: What's the occupancy rate?

MR. BROWN: The building maximum will be a hundred.

MR. BATAGLIA: If we're allowed that.

MR. MC DONALD: What do you plan to do with the second floor?

MR. BROWN: Probably put a caretaker as permitted a caretaker facility.

MR. BATAGLIA: Actually, that's part of this process, correct.

MR. BROWN: Well, that's the planning board.

MR. TORLEY: A caretaker, wait a minute, caretaker is permitted in a PI zone?

MR. BABCOCK: It's probably a permitted accessory use but there's some bulk requirements that go with it and I'm not so sure.

MR. BROWN: It's a special use permit permitted accessory use.

MR. TORLEY: Yes, whether the bulk area requirements are also there.

MR. BROWN: Yes, we meet those.

MR. BABCOCK: The funeral parlor that was looking to go in there, one of the variances that they were needing was for the second story caretaker's apartment so there's something that must be--

MR. KRIEGER: How large is this property?

MR. BROWN: 80,000 square feet, 1.84 acres.

MR. TORLEY: You're asking for a use variance to use it for some, to use it for something not permitted in the zone and it's been this board's, I'll check, I don't recall that myself.

MR. KRIEGER: What?

MR. TORLEY: Whether catering is permitted in the NC zone.

MR. BABCOCK: A caretaker's apartment is permitted in any commercial establishment but each--

MR. COMO: Establishment depending on the criteria, like a C Zone you need 20 acres; you've seen those variances come through before and that's what we want to make sure he's got it on his plan, the caretaker's apartment and Mark I would assume--

MR. BROWN: NC zone only needs 10,000 square feet too.

MR. KRIEGER: Why are we talking about an NC zone, this is a PI zone?

MR. TORLEY: But our habit has been in the past when we're considering these other, the other variances that may be required or rules that are needed to be applied to a use variance if you're in a PI zone has a certain number of requirements, if he wants to put something from an NC zone and we have taken what does the NC require and look at the most restrictive.

MR. KANE: Right, that's--

MR. BROWN: But I put NC on the plan.

MR. TORLEY: So for an NC zone for a caretakers does that include--

MR. BROWN: I didn't check the NC zone to see if a caretaker was a permitted.

MR. TORLEY: I don't remember whether the--

MR. BABCOCK: Caretaker's apartment special permit. So do you have the PI zone?

MR. KRIEGER: Yes.

MR. BROWN: I have a copy of it.

MR. TORLEY: The applicant has kindly provided what they'd be for PI and he meets the lot size requirements. The question is whether the NC zone caretaker requirements require a larger lot size but I don't think it would be any larger than 80,000 square feet.

MR. BABCOCK: No, no, in the NC zone, the maximum size is 10,000 square feet.

MR. TORLEY: Just want to be sure.

MR. BROWN: Understood, I appreciate that.

MR. TORLEY: Okay, so--

MR. BABCOCK: So he still has to get a special permit by the planning board.

MR. TORLEY: But he's not running against any area variances.

MR. BABCOCK: Right.

MR. TORLEY: And again, you'll maintain your signage as per the code?

MR. BROWN: Yes.

MR. BABCOCK: Mr. Chairman, I didn't realize the other file was underneath, Myra just pointed that out to me and he's provided a sign, it's three foot ten by five foot eleven which well meets the code.

MR. TORLEY: Gentlemen, any other questions?

MR. KANE: I'm just trying to remember on how to propose the SEQRA in a positive or--

MR. KRIEGER: Propose that the zoning board declare a negative dec.

MR. TORLEY: As reflected only in this part of the application.

MR. KRIEGER: Yes, you have already voted to limit that, limit this, yes.

MR. TORLEY: Do I hear a second?

MR. MC DONALD: Second it.

ROLL CALL

MR. REIS	AYE
MR. MC DONALD	AYE
MR. KANE	AYE
MR. RIVERA	AYE

MR. TORLEY AYE

MR. TORLEY: We're now back to the merits of the application. Other questions or thoughts on the matter please?

MR. KANE: No further questions.

MR. MC DONALD: Do you want a motion?

MR. TORLEY: Certainly.

MR. MC DONALD: I make a motion that we grant the request for the use variance for the proposed catering use at 10 Plympton Street.

MR. REIS: Second it.

ROLL CALL

MR. REIS	AYE
MR. MC DONALD	AYE
MR. KANE	AYE
MR. RIVERA	AYE
MR. TORLEY	AYE

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

PLYMPTON HOUSE (PETER KRONNER)

AFFIDAVIT OF
SERVICE
BY MAIL

#02-59

_____ X

STATE OF NEW YORK)

) SS:

COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 2ND day of JUNE, 2003, I compared the 48 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

2nd day of June, 2003

[Signature]
Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/ 2006

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 02-59

Request of PETER KRONNER (PLYMPTON HOUSE)


for a VARIANCE of the Zoning Local Law to Permit:

USE VARIANCE FOR PROPOSED CATERING USE

for property located at: 10 PLYMPTON STREET – NEW WINDSOR, NY

known and designated as tax map Section 14 Block 2 Lot 3.1

PUBLIC HEARING will take place on JUNE 23, 2003
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.



Chairman

No.	S-B-L	Account #	Property	Owner's Name and Address
1	47-2-2.2	464100	E S Mill St.	CSX Transportation P.O. Box 44057 Jacksonville, FL 32231-4057
2	47-2-10.2	673430	Mill St.	City of Newburgh 83 Broadway Newburgh, N.Y. 12550
3	47-2-9	253600	Quassaick Creek No.	Kessler Maurice 25 Moore St. Brooklyn, N.Y. 11206
4	47-2-12	253650	Quassaick Creek No.	Same as above
5	47-2-2.1	023075	Overlook Place	Bridge Sales Properties 110 Mill St. Newburgh, N.Y. 12550
6	47-3-1	193850	34-36 Liberty St. W.H.	Parker L C Leroy P.O. Box 121 Highland Falls, N.Y. 10928
7	47-2-3	153950	115-129 Henry Ave.	City of Newburgh 83 Broadway Newburgh, N.Y. 12550
8	47-2-2.3	464125	Monument St.	Same as above

14-7-13

Jose & Fortunata Millones
48A Quassaick Ave.
New Windsor, NY 12553

14-8-8 & 14-8-9

Mario A. & Ezenia Espana
P.O. Box 4259
New Windsor, NY 12553

14-7-14

Michael Jacobson
16 Paulding Ave.
Cold Springs, NY 10516

14-8-10 & 14-8-11

Stella Orzechowski & Lorraine Slacin
Trustees of the Stella Orzechowski
Rev. Trust
61 Blance Ave.
New Windsor, NY 12553

14-7-15

52 Quassaick Ave. Inc.
C/o Somporn Toombs
9 Buttonwood Drive
New Windsor, NY 12553

14-8-12

EKJ Realty LLC
45 Quassaick Ave.
New Windsor, NY 12553

14-7-16

North Plank Development Company, LLC
5020 Route 9W
Newburgh, NY 12550

14-7-17

Frank H Reis Realty Corp.
79 N. Front Street
Kingston, NY 12401

14-8-3

Mary Ann Weber
Life Est. For Ann Ferguson
14 Ledyard Street
New Windsor, NY 12553

14-8-4

Gloria C. Hryniewicz
Life Est. for Mathias Sloboda
53 Brane Ave.
Hawthorne, NJ 07506

14-8-5

Humberto & Celsa M. Fernandez
15 Plympton Street
New Windsor, NY 12553

14-8-6

Natashia & Lenora Grable
313 Walsh Ave.
New Windsor, NY 12553

14-8-7

Saffioti Bros. Inc.
61 Quassaick Ave.
New Windsor, NY 12553



9-1-66.1-

Masud N. Naraghi
C/o Torr International
12 Columbus Street
New Windsor, NY 12553

9-1-67

Brewster H. & Geraldine C. Paffendorf
1 Quassaick Ave.
New Windsor, NY 12553

9-1-68.2

County Of Orange
255-275 Main Street
Goshen, NY 10924

9-1-69.2

American Felt & Filter Co. LLC
361 Walsh Avenue
New Windsor, NY 12553

9-1-70.11

David Plotkin
C/o Steel Style Inc.
401 South Water Street
Newburgh, NY 12550

14-1-1

Thomas J. & Donna Curtin
20 Hunter Rd.
Washingtonville, NY 10992

14-1-2

Marie & Roland Sr. Mitchell
27 Columbus St.
New Windsor, NY 12335

14-1-3

Jorge L. & Isabel Jimenez
Calle 5 C3 Urb. El Conquistador
Trujillo Alto, PR 00976

14-1-4 & 14-1-5

Claudia Torracio
C/o Pauline Starr
33 Melrose Ave
New Windsor, NY 12553

14-1-6 & 14-1-10.11 & 14-1-13 & 14-1-23

Frank G. Francan & Jill Sanders Francan
13 Columbus Street
New Windsor, NY 12553

14-1-12

Frank Francan
7 Columbus Street
New Windsor, NY 12553

14-1-15

Alfred E. & Margaret M Palumbo
C/o Scott & Laurel Wheeler
P.O. Box 634
Plattekill, NY 12568

14-1-16.1

Ira Kroun
5 Leeland Rd
Newburgh, NY 12550

14-1-16.2 & 14-1-18 & 14-1-19

Victor & Alice Bosacky
15 Ledyard Street
New Windsor, NY 12553

14-1-17

Roberto & Vincenta Arocho
5 Ledyard Street
New Windsor, NY 12553

14-1-20

Mira Ellen Rumsey
C/o Mira Ellen Blythe
320 Jackson Avenue
New Windsor, NY 12553

14-1-21

Yecica V. Sanchez & Bayron Cruz
27 Ledyard Street
New Windsor, NY 12553

14-1-22 & 14-8-1

Solomon & Mario Crisostomo
33 Quassaick Ave.
New Windsor, NY 12553

14-1-24

Edward C. Reeves
19 Quassaick Ave
New Windsor, NY 12553

14-2-1

William J. Christie
32 Plympton Street
New Windsor, NY 12553

14-2-2

Michael D. Lucas
146 Quassaick Ave.
New Windsor, NY 12553

14-3-1

Patterson Materials Corp.
20 Haarlem Ave.
White Plains, NY 10603

14-3-3

Mans Brothers Realty Inc.
P.O. Box 247
Vails Gate, NY 12584

14-3-4

Edith F. Craig
16 Wintergreen Ave.
Newburgh, NY 12550

14-3-5

Warren S. & Edith F. Craig
10 Wintergreen Ave.
Newburgh, NY 12550

14-3-6

Central Hudson Gas & Electric Corp
C/o Tax Agent
284 South Ave.
Poughkeepsie, NY 12602

14-6-1

Cemetery
St. Patricks Church
55 Grand Street
Newburgh, NY 12550

14-7-8

Jeffrey A. & Jeanne S. Stent
15 Melrose Avenue
New Windsor, NY 12553

14-7-9

RD Development Corp.
2439 Route 32 Suite 10
Newburgh, NY 12550

14-7-12

William G. & Gaetana Blasko
324 Collabar Road
Montgomery, NY 12549



TACONIC DESIGN CONSULTANTS INC.
1 GARDNERTOWN ROAD
NEWBURGH, NY 12550
PH. 569-8400

DATE	INVOICE	AMOUNT

50-693/219

5862

PAY One Hundred Fifty ⁰⁰/₁₀₀ DOLLARS

DATE	TO THE ORDER OF	GROSS	DESCRIPTION	DISC.	CHECK AMOUNT
2/23/03	Town of New Windsor		Plymouth		150 00
			F.I.C.A. FED WITH STATE		



Carl J. [Signature]

⑈005862⑈ ⑆021906934⑆ 323340007406⑈

SECURITY FEATURES: MICRO PRINT BORDERS - COLORED BRICK PATTERN - WATER MARK & CARBON STRIP ON REVERSE SIDE - EMBOSSED FEATURE INDICATES A COPY

TACONIC DESIGN CONSULTANTS INC.
1 GARDNERTOWN ROAD
NEWBURGH, NY 12550
PH. 569-8400

DATE	INVOICE	AMOUNT

50-693/219

5861

PAY Five Hundred ⁰⁰/₁₀₀ DOLLARS

DATE	TO THE ORDER OF	GROSS	DESCRIPTION	DISC.	CHECK AMOUNT
2/23/03	Town of New Windsor		Plymouth		500 00
			F.I.C.A. FED WITH STATE		



Carl J. [Signature]

⑈005861⑈ ⑆021906934⑆ 323340007406⑈

SECURITY FEATURES: MICRO PRINT BORDERS - COLORED BRICK PATTERN - WATER MARK & CARBON STRIP ON REVERSE SIDE - EMBOSSED FEATURE INDICATES A COPY

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: MAY 20, 2003

FOR: 02-59 ESCROW

FROM: TACONIC DESIGN CONSULTANTS INC.

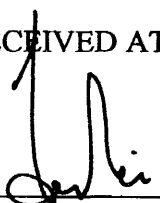
1 GARDNERTOWN ROAD

NEWBURGH, NY 12550

CHECK NUMBER: 5861

AMOUNT: \$500.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

	5/21/07
NAME	DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU

**Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611**

**RECEIPT
#481-2003**

05/21/2003

Taconic Design Consultants, Inc. *#02-59*

**Received \$ 150.00 for Zoning Board Fees, on 05/21/2003. Thank you for
stopping by the Town Clerk's office.**

As always, it is our pleasure to serve you.

**Deborah Green
Town Clerk**

**Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611**

**RECEIPT
#479-2003**

05/21/2003

Taconic Design Consultants, Inc. #02-59

**Received \$ 150.00 for Zoning Board Fees, on 05/21/2003. Thank you for
stopping by the Town Clerk's office.**

As always, it is our pleasure to serve you.

**Deborah Green
Town Clerk**

Date

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth
168 N. Drury Lane DR.
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
10/28/02	Town Board Mtg		75 00	
	Misc - 2			
	Post - 3			
	Neumann - 3			
	Kroner - 4 18.00			
	Monaco - 4			
	Accettura - 3			
	Chin - 3			
	Yarus - 4		117 00	
	26			
			193 00	

KRONNER, PETER

MR. TORLEY: Request for use variance for catering operation at 10 Plympton Street in a PI zone.

Mr. Charles Brown and Mr. Peter Kronner appeared before the board for this proposal.

MR. BROWN: Charlie Brown representing Peter Kronner. We have been before the planning board for site plan and we don't meet zoning so we're seeking a use variance to put a catering facility in a PI zone.

MR. TORLEY: Your previous applicants which you may have heard we do area variances, this is a use variance, you're aware of the differences?

MR. BROWN: Yes, I am.

MR. TORLEY: And the hurdles you're going to have to overcome?

MR. BROWN: Yes.

MR. TORLEY: This has been a vacant property for quite some time.

MR. BROWN: Yes, we had the discussion with the planning board when we first submitted this application, actually gave us a positive referral to your board because they're all for this use in this particular site because again, there's been a real problem keeping the building occupied and they felt that this would be a good use for this building.

MR. TORLEY: Mike, a catering operation would be a PI zone could have a wholesale food operation couldn't it or a food processing site in a PI zone? I'm trying to think if we can in any way this could be asked for as an interpretation as to whether this is permitted under the PI zone rather than a use variance.

MR. BABCOCK: I don't have the PI bulk tables, we try to fit it in somewhere if it's in another zone, we automatically deal with it as a use variance, in other

words, if a catering facility would be allowed in a C zone and it says catering facilities, if it doesn't say catering facility in a PI then--

MR. TORLEY: But is there any way, yeah, I would recommend that we subject to your gentlemen's approval and your input that we might want to set him up for a use variance or alternative for interpretation should he wish to pursue that as well and see if I can make a case and I don't know whether he can or not.

MR. BROWN: There's another zone that does permit catering facilities.

MR. TORLEY: That's true but the question is is there any way you can stretch that to request an interpretation as a valid use under the zone. I don't know that it's possible but you can at least put that as part of your case. If that fails, you can go for a use variance. And I don't remember the details of the bulk table off the top of my head, I don't know if it is, it may be totally impossible to justify that but at least you can try if you wish. You're not going to be changing the footprint of the building?

MR. BROWN: No.

MR. TORLEY: Just going to be a catering and by catering you mean you'll be, people will not be coming there to eat, you'll be taking the food there to be delivered to some off-site--

MR. KRONNER: People will come here to eat.

MR. BABCOCK: Yes, he's going to have weddings and small parties.

MR. BROWN: The cooking will be done at other facilities.

MR. TORLEY: I was just hoping but if they're going to have people coming, restaurants aren't permitted in PI zones, are they?

MR. BABCOCK: No.

MR. REIS: Charlie, you have adequate parking here?

MR. BROWN: This is proposed, this is all proposed parking, again, this plan's been before the planning board again to get them to refer us to you, so this shows proposed parking layout.

MR. REIS: Assuming that the use is acceptable to the ZBA.

MR. BROWN: That's correct. We had several workshops with the town consultants and the parking reflected here is what's required for this use, this proposed use.

MR. REIS: May I make a comment? I'm familiar with the site as probably most of us know, it's had several uses over the last several years.

MR. TORLEY: Or attempted uses.

MR. REIS: In my opinion, it's a lower impact than what some other uses could be for a PI zone for the surrounding residential area.

MR. TORLEY: Not going to have much off-site noise or pollution impact.

MR. REIS: Right, minimal.

MR. TORLEY: Gentlemen, I'm going to, if you have no other questions, I will entertain a motion on this.

MR. REIS: Make a motion that we set up Peter Kronner for his requested use variance at 10 Plympton Street in a PI zone.

MR. TORLEY: Do you think it's worthwhile?

MR. REIS: And/or an interpretation.

MR. TORLEY: Again, I don't know, we'll try.

MR. RIVERA: Second it.

October 28, 2002

11

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. TORLEY	AYE



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

June 10, 2003

Peter Kronner (Plympton House)
10 Plympton Street
New Windsor, Ny 12553

SUBJECT: REQUEST FOR VARIANCE - #02-59

Dear Mr. Kronner:

This is just a reminder that your Public Hearing before the Zoning Board of Appeals for your requested variance at:

10 Plympton Street
New Windsor, Ny 12553

is scheduled for the June 23rd, 2003 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

Date: #02-59

I. Applicant Information:

- (a) PETER KAMMER, PETER G. DEGEN, JR., 10 PLYMPTON ST, NEW WINDSOR, NY 10594 (Name, address and phone of Applicant) (Owner) ⁵⁹⁰⁻³⁶¹⁴
(b) NA (Name, address and phone of purchaser or lessee)
(c) HONARD PROTER, 158 ORANGE AVE, WALDEN, NY (845) 778-2121 (Name, address and phone of attorney)
(d) CHARLES T. BROWN, PE, 1 GARFIELD TOWN RD, NEWBURGH (845) 569-8400 (Name, address and phone of contractor/engineer/architect/surveyor)

II. Application type:

- ☒ Use Variance
☐ Area Variance

- ☐ Sign Variance
☐ Interpretation

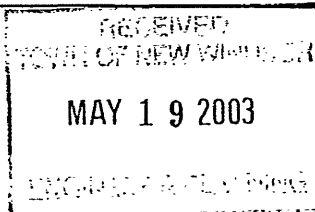
✓ III. Property Information:

- (a) PT 10 PLYMPTON ST 14-2-3.1 1.84 AC
(Zone) (Address of Property in Question) (S-B-L) (Lot size)
(b) What other zones lie within 500 feet? NC (CATERING PERMITTED)
(c) Is pending sale or lease subject to ZBA approval of this Application? NO
(d) When was property purchased by present owner? JAN '03
(e) Has property been subdivided previously? NO
(f) Has property been subject of variance previously? NO. If so, when? _____
(g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? NO
(h) Is there any outside storage at the property now or is any proposed? NO

✓ IV. Use Variance.

- (a) Use Variance requested from New Windsor Zoning Local Law,
Section _____, Table of PT (Cater. Regs., Col. A).

(Describe proposal) CONVERT FACILITY ALLOWING TO CATERING FACILITY



02-59

(b) The legal standard for a "Use" Variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

VARIOUS USES IN CONFORMANCE WITH ZULING HAVE BEEN REQUESTED
FOR THIS BUILDING AND ALL HAVE BEEN GRANTED. OWNERS AND COMMISSION
TOWN OFFICIALS BELIEVE PROPOSED USE WILL SUBSID
ON THIS BUILDING

V. Area Variance: N/A

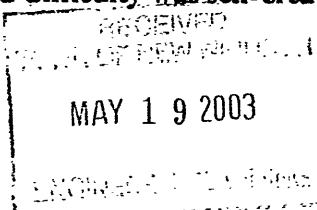
(a) Area variance requested from New Windsor Zoning Local Law,
Section _____, Table of _____ Regs., Col. _____.

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd.		
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage*		
Floor Area Ratio**		
Parking Area		

* Residential Districts only

** Non-residential districts only

N/A
(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe



02-39

why you believe the ZBA should grant your application for an area variance:

VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1	_____	_____	_____
Sign #2	_____	_____	_____
Sign #3	_____	_____	_____
Sign #4	_____	_____	_____

- (b) Describe in detail the sign (s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and free-standing signs? _____.

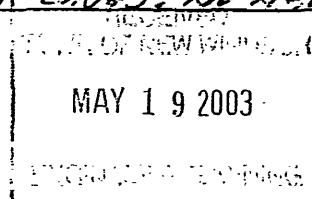
VII. Interpretation. *h*.

- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____.
- (b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

OR FENCING
LANDSCAPING INCLUDING NORTH SIDE AND WEST SIDES OF
PROPERTY AREA WILL BE PROVIDED, LIGHTING WILL FACE
AWAY FROM PROPERTY LINES AND WHEN SIGNS CHANGED



02-59

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Inspector or Planning Board. (ON FILE 4/7 01/01)
- ☒ Copy of tax map showing adjacent properties. (SEE SITE PLAN)
- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☒ Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ Copy(ies) of sign(s) with dimensions and location. (SEE SITE PLAN)
- ☒ Two (2) checks, one in the amount of \$150.00 and the second check in the amount of \$500.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: 2/25/03

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

[Signature]
(Applicant)

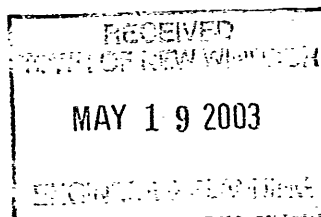
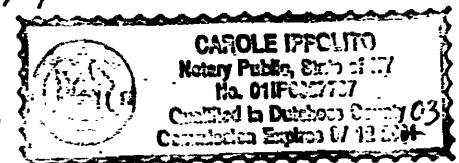
Sworn to before me this

25th day of February, 2003

[Signature]

XI. ZBA Action:

(a) Public Hearing date: _____



02-59

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <i>CHARLES T. BROWN, PE - ENGINEER</i>	2. PROJECT NAME <i>PLYMPTON HOUSE</i>
3. PROJECT LOCATION: Municipality <i>New Windsor</i> County <i>Orange</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>10 Plympton Rd, ACROSS FROM LEONARD ST IN TOWN OF NEW WINDSOR</i>	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>CONVERT EXISTING VACANT OFFICE BUILDING INTO CATERING FACILITY</i>	
7. AMOUNT OF LAND AFFECTED: Initially <i>1.84</i> acres Ultimately <i>1.84</i> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly <i>USE VARIANCE</i>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe: <i>MIXED USE AREA</i>	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <i>CHARLES T. BROWN, PE</i>	Date: <i>6/23/03</i>
Signature: <i>[Signature]</i>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.8? If No, a negative declaration may be superseded by another involved agency.	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)	
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:	
NO	
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:	
NO	
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:	
NO	
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:	
NO	
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:	
NO	
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:	
NO	
C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:	
NO	
D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No If Yes, explain briefly

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:	
Name of Lead Agency	
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from responsible officer)
Date	

APPLICANT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR PLANNING BOARD

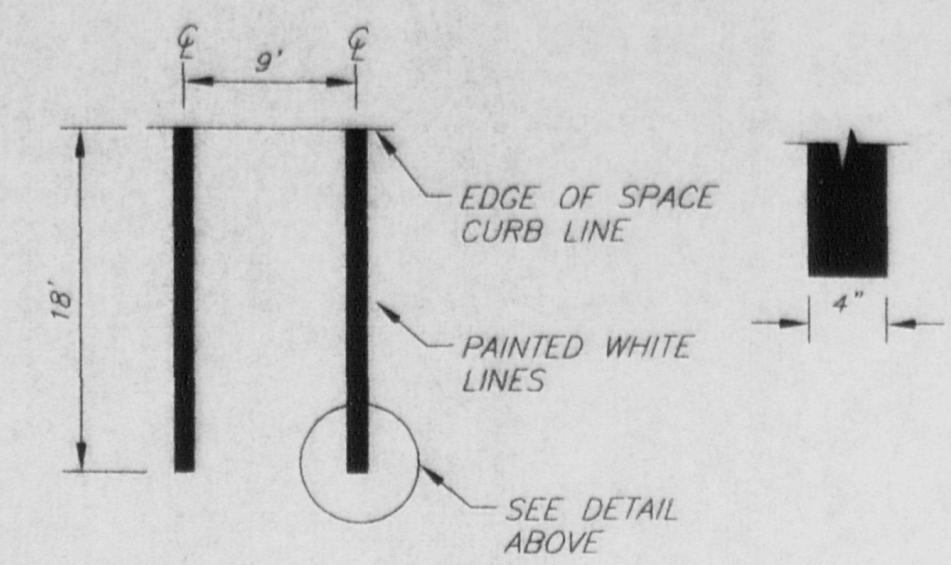
10 PLYMPTON ST CORP.
EILEEN GLASSMAN, PRES, deposes and says that he resides
(OWNER)
at 10 PLYMPTON ST, NEW WINDSOR NY in the County of ORANGE
(OWNER'S ADDRESS)
and State of NEW YORK and that he is the owner of property tax map
(Sec. Block Lot)
designation number (Sec. 14 Block 2 Lot 3.1) which is the premises described in
the foregoing application and that he authorizes:
Peter Kronner; Sel + Peter Buttislieri - ADDRESS SAME AS ABOVE
(Applicant Name & Address, if different from owner)
CHARLES T. BROWN, JR., 1 GARDEN TOWN RD, NEWBURGH, NY
(Name & Address of Professional Representative of Owner and/or Applicant)
to make the foregoing application as described therein.

Date: 8/21/02

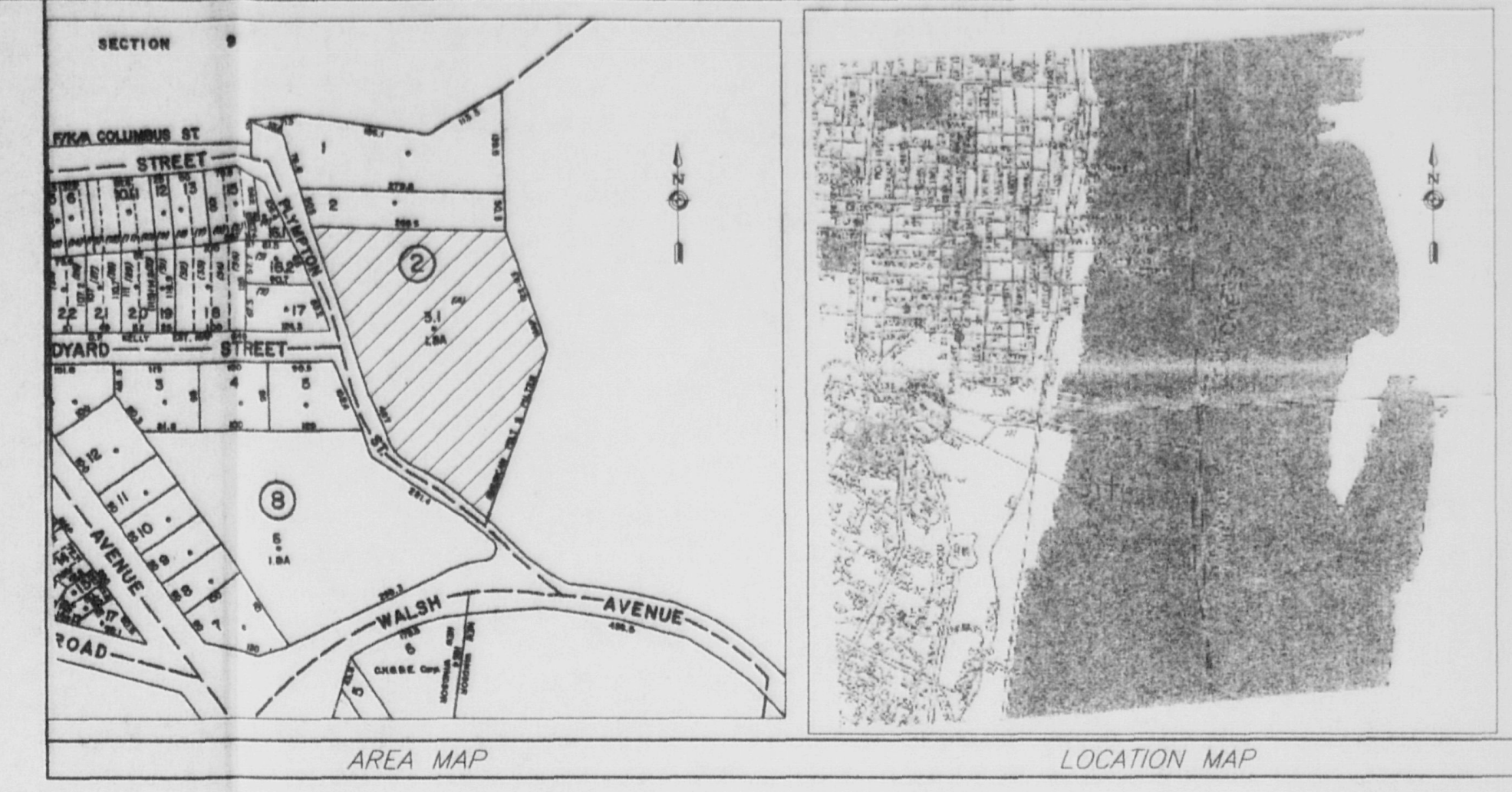
Denise Turnure
Witness' Signature

Eileen Glassman
Owner's Signature
Peter Kronner
Applicant's Signature if different than owner
Charles T. Brown, Jr.
Representative's Signature

**THIS FORM CANNOT BE WITNESSED BY THE PERSON OR
REPRESENTATIVE OF THE COMPANY WHO IS BEING AUTHORIZED TO
REPRESENT THE APPLICANT AND/OR OWNER AT THE MEETINGS.**



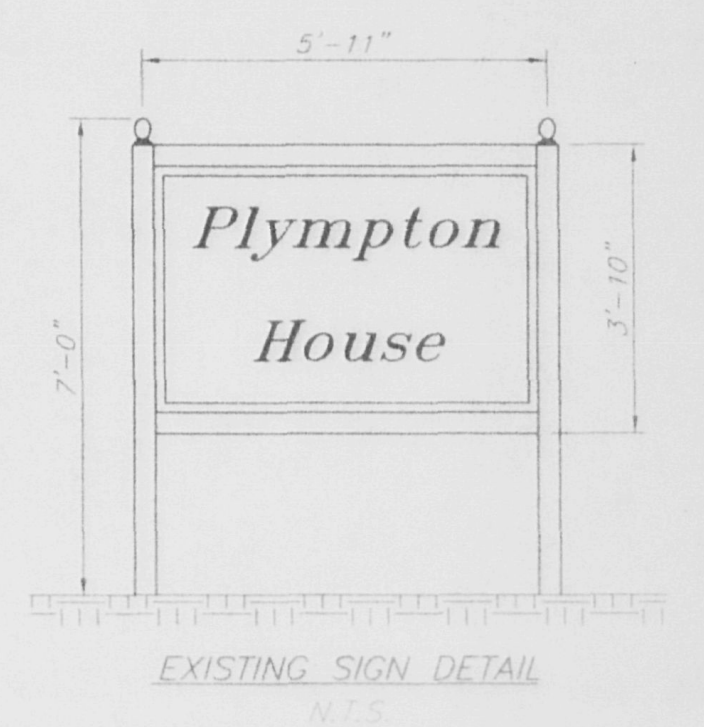
PARKING SPACE DETAIL
SCALE: N.T.S.



PARKING REQUIREMENTS:
(1) SPACE PER (3) PERSONS
200 PEOPLE* / 3 = 67 REQUIRED SPACES
69 SPACES PROVIDED
*75 PEOPLE INSIDE, 125 PEOPLE OUTSIDE

OWNER APPLICANT'S
PLYMPTON HOUSE LIMITED, LLC
PETER KRONNER, SAL BUTTIGLIERI, PETER BUTTIGLIERI
10 PLYMPTON STREET
NEW WINDSOR, NY 12553

MAP REFERENCE
BOUNDARIES SHOWN TAKEN FROM A MAP ENTITLED "LOT LINE CHANGE PREPARED FOR AMERICAN FELT & FILTER COMPANY", SAID MAP HAVING BEEN FILED IN THE ORANGE COUNTY CLERK'S OFFICE ON 12 JULY 1993 AS MAP NO. 122-93.
TOPOGRAPHY AND EXISTING FEATURES SHOWN WITHIN PROPERTY LINES RESULTED FROM A FIELD SURVEY BY GREVAS & HILDRETH, L.S. PC COMPLETED ON 3 FEBRUARY 1993 AND UPDATED ORANGE COUNTY CLERK'S OFFICE ON 2 JULY 1993 AS MAP NO. 122-93. FIELD VERIFIED AUGUST 2002
ELEVATION DATUM : TOWN OF NEW WINDSOR SEWER DISTRICT NO. 9.
EXISTING FEATURES SHOWN BEYOND PROPERTY LINES PER TACONIC DESIGN CONSULTANTS FIELD SURVEY (MARCH 2003.)



ZONING REQUIREMENTS:
DISTRICT: PI - PLANNED INDUSTRIAL
*PROPOSED USE = CATERING EATING ESTABLISHMENT
**ACCESSORY USE = ONE DWELLING UNIT FOR USE OF CARETAKER

	REQ'D (PI ZONE)	REQ'D (NC)***	LOT 1 PROVIDED
MIN. LOT SIZE:			
AREA (S.F.)	40,000	10,000	80,000
WIDTH	150'	100'	258.4'
MIN. YARD DIMENSIONS(Feet):			
FRONT	50'	40'	85.2'
REAR	20'	15'	144.2'
1 SIDE	15'	15'	111.2'
BOTH SIDES	40'	35'	193.2'

* USE VARIANCE REQUIRED
** SPECIAL PERMIT REQUIRED
*** PER NC ZONE WHICH PERMITS CATERING

- LEGEND**
- PROPERTY LINE EXISTING
 - SETBACKS (PI)
 - PROPERTY LINE ADJOINING
 - CONTOURS
 - DRIVEWAY EXISTING
 - FENCE EXISTING
 - EDGE OF WOODS
 - BUILDING EXISTING
 - BUILDING ADJOINING
 - EXISTING TREES

TACONIC DESIGN CONSULTANTS
1 GARDINERTOWN ROAD
NEWBURGH, N.Y. 12550
(945) 569-8400
(FAX)(945) 569-4583

ENGINEER	<p>CHARLES T. BROWN, P.E. WILLIAM J. MOREAU, P.E. 1 GARDINERTOWN ROAD NEWBURGH, N.Y. 12550 (945) 562-2561</p>		
<p>SITE PLAN FOR: PLYMPTON HOUSE S.B.L. 14-2-3.1, 10 PLYMPTON ST. TOWN OF NEW WINDSOR, NY ORANGE COUNTY</p>			
DATE 08/21/02	SCALE 1" = 30'	JOB NUMBER 02282-PM1	SHEET NUMBER 1 OF 1

REVISIONS

REV.	DATE	BY	DESCRIPTION
3	5/9/03	JJC	PER CLIENT'S COMMENTS
2	4/28/03	R.B.M.	PER CLIENT'S COMMENTS
1	4/18/03	R.B.M.	PER SURVEY DATA, CLIENTS COMMENTS